

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-24 are pending in the application.

In the Office Action, the Examiner objected to FIG. 1 in the Drawings. The Examiner objected to Claims 1, 7 and 10 due to informalities. The Examiner rejected Claims 1-24 under 35 U.S.C. §112, second paragraph, for indefiniteness. The Examiner rejected Claims 1-13, 16-20 and 23-24 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0002464 to *Rezaiifar et al.* (hereinafter *Rezaiifar*). The Examiner rejected Claims 14-15 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over *Rezaiifar* in view of U.S. Pub. No. 2003/0142656 to *Padovani et al.* (hereinafter *Padovani*).

Please amend Claims 1, 2, 4, 7-10, 12-16, 18 and 20-23 as set forth herein. No new matter has been added.

Regarding the objection to the Drawings, the Examiner suggested labeling FIG. 1 as "Prior Art". As provided in the Replacement Drawing herein, Applicants have heeded to the Examiner's suggestion, and FIG. 1 has been labeled as "Prior Art". It is respectfully submitted that this amendment cures the objection to the Drawings. Withdrawal of the same is respectfully requested.

Regarding the objection to Claims 1, 7 and 18, the Examiner alleged that there are typographical errors in the recitation "requesting transmission of a data rate" in each of these claims. In response, Applicants have amended Claim 1 to recite --DRQ-- (which abbreviates data rate request) in place of "data rate". For purposes of consistency, Claims 2 and 4 have been amended to recite --DRQ-- where data rate request was originally recited. Claims 7-10, 12-16, 18 and 20-23 have been amended to recite --DRQ information-- where "reverse signal," "data rate" and "data rate request" were originally recited. It is believed that these amendments cure

the objection to Claims 1, 7 and 18, and more clearly recite the subject matter that is being presently claimed. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Regarding the rejection of Claims 1-24 under §112, second paragraph, the Examiner alleged a lack of antecedent basis for the following: “the base station” in claim 1, line 5; “the control signal” in Claim 7; “the packet data” in Claim 13, line 4 and “the reverse transmission” in Claim 18, line 5. With respect to Claim 1, Applicants have deleted “between the base station” from the recitation at issue, which obviates the lack of antecedent basis. Applicants have also amended Claims 7, 13 and 18, to correct the indefiniteness indicated by the Examiner. It is believed that these amendments cure the §112, second paragraph rejection. Withdrawal of the same, therefore, is respectfully requested.

Regarding the rejection of Claims 1-13, 16-20 and 23-24 under §102(e), Applicants respectfully traverse. Each of the independent Claims 1, 7, 13 and 18 recites a data rate request (DRQ) message, and Claims 1, 7 and 18 recite that the DRQ message is for requesting transmission of DRQ information. The Examiner cites *Rezaiifar* as disclosing each and every limitation in these claims, but *Rezaiifar* concerns a channel structure for communication systems. In paragraph [0119] cited by the Examiner, the reference discusses a process between the BS and MS if the BS has data to send to the MS. If the MS is in the suspend mode, the BS transmits a channel assignment message on the paging channel and communication occurs shortly thereafter. If the MS is in the dormant mode, then the BS transmits a paging message, to which the MS responds and then the BS transmits the aforementioned channel assignment message.

In order for *Rezaiifar* to read on the rejected claims in the manner alleged by the Examiner, either the channel assignment message or the paging message taught therein would have to read on the data rate request (DRQ) message in the claims. It is respectfully asserted that neither of these messages in *Rezaiifar* does so. Specifically, the DRQ in the claims is a message requesting transmission of DRQ information. The channel assignment message in *Rezaiifar* does not read on the claimed DRQ message, and neither does the paging message in *Rezaiifar*.

Moreover, there is no illustration of a DRQ message anywhere in FIGs. 8B or 9B cited by the Examiner.

It is further explained that the present claims are directed to a mobile communication system, in a state where there is no communication with the mobile station, wherein the DRQ information indicates a forward data rate desired in the mobile station. In contrast, *Rezaiifar* only discloses a configuration of a channel in a CDMA system, and thus the present claims are directed to a system that is distinct from *Rezaiifar*.

That is, Claims 7-24 recite a gating on/off of the transmission of DRQ information to the mobile station, which is shown in the description of FIG. 2 (See page 7, lines 9-24 in the specification). If there is no packet exchange for a prescribed time period from the end T1 of the packet exchange, the mobile station in the present invention suspends reverse transmission of the DRQ. After a lapse of a prescribed time period  $T_s$  from a reverse transmission-off point T2, the mobile station resumes reverse transmission of DRQ by reporting a forward channel state to the base station. In this way, DRQ is intermittently transmitted. This operation of gating on/off of the transmission of DRQ information is not disclosed or suggested in *Rezaiifar*.

In addition, the channel assignment message and paging message transmitted to a mobile station from a base station in *Rezaiifar* are messages for initiating transmission of traffic between a mobile station in a dormant mode or a suspended mode and a base station. Therefore, as previously explained the channel assignment message and the paging message in *Rezaiifar* are in contrast to the DRQ message for requesting the transmission of the DRQ information from the base station or to the mobile station, as recited in the present claims. For at least the foregoing reasons, it is respectfully submitted that the rejection of Claims 1-13, 16-20 and 23-24 under §102(e) is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

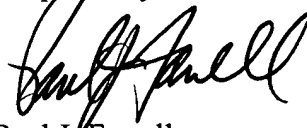
Regarding the §103(a) rejection of Claims 14-15 and 21-22, Applicants respectfully submit that this rejection is incorrect at least for the reasons given above with respect to the rejection of Claims 1-13, 16-20 and 23-24 and further, since *Padovani* fails to cure the stated

deficiencies in *Rezaiifar*. Accordingly, withdrawal of the §103(a) rejection of Claims 14-15 and 21-22 is respectfully requested.

Independent Claims 1, 7, 13 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-12, 14-17 and 19-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-12, 14-17 and 19-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul J. Farrell', is written over the typed name.

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